

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

MULTI-STRATEGY FUND LIMITED and
CDP CAPITAL TACTICAL ALTERNATIVE
INVESTMENTS,

Defendants.

Adv. Pro. No. 12-01205 (CGM)

STIPULATION AND ORDER

IT IS STIPULATED AND AGREED by Plaintiff Irving H. Picard (the “Trustee”), as trustee of the substantively consolidated liquidation proceeding of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa–*lll*, and the chapter 7 estate of Bernard L. Madoff, and defendants Multi-Strategy Fund Limited (“Multi-Strategy”) and CDP Capital Tactical Alternative Investments (“CDP,” together with Multi-Strategy, the “Defendants,” and together with the Trustee, the “Parties”), by and through their respective undersigned counsel, as follows:

1. Count 1 of the complaint in Adv. Pro. No. 12-01205 (Bankr. S.D.N.Y. Mar. 22, 2012), ECF No. 1 (the “Complaint”), relating to transfers from Kingate Global Fund Ltd. (“Kingate”), is dismissed with prejudice pursuant to paragraphs 2, 13, and 27 of the Trustee’s Settlement Agreement with Kingate in Adv. Pro. No. 09-01161, ECF No. 413-2 (Bankr. S.D.N.Y. July 17, 2019).

2. The remaining Count 2 of the Complaint is dismissed as to CDP without prejudice based on the Defendants’ representation that Multi-Strategy, and not CDP, received the transfer from Fairfield Sentry Limited.

3. The dollar amount in paragraph 50 of the Complaint contains a typographical error and should be \$25,763,374, as stated elsewhere in the Complaint.

4. Multi-Strategy shall respond to the Complaint by January 28, 2022.

5. If Multi-Strategy files a motion to dismiss the Complaint, such motion shall comply with Rule 12(g)(2) of the Federal Rules of Civil Procedure, as made applicable by Rule 7012(b) of the Federal Rules of Bankruptcy Procedure. The Trustee shall respond to the motion by March 29, 2022 or file an amended complaint by February 18, 2022. If the Trustee responds to the motion, Multi-Strategy shall file its reply by April 28, 2022.

6. If the Trustee files an amended complaint by February 18, 2022, Multi-Strategy shall respond to the amended complaint by March 4, 2022. If Multi-Strategy moves to dismiss the amended complaint, the Trustee shall respond to the motion by April 4, 2022 and Multi-Strategy shall file its reply by May 4, 2022.

7. The Parties shall seek oral argument on any motion to dismiss at the Court’s first available convenience.

8. The deadlines established by this Stipulation and Order are without prejudice to either Party seeking future extensions of time.

9. The Trustee and Defendants reserve all rights, arguments, objections, and defenses they may have, and entry into this Stipulation and Order shall not impair or otherwise affect any such rights, arguments, objections, and defenses, including, without limitation, challenges to personal jurisdiction or to the jurisdiction of this Court.

Dated: December 27, 2021
New York, New York

By: /s/ Matthew D. Feil
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Liquidation of Bernard L. Madoff
Investment Securities LLC and the Chapter 7
Estate of Bernard L. Madoff*

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*Attorneys for Defendants Multi-Strategy Fund
Limited and CDP Capital Tactical Alternative
Investments*

SO ORDERED.

Dated: December 28, 2021
Poughkeepsie, New York



/s/ Cecelia G. Morris

Hon. Cecelia G. Morris
Chief U.S. Bankruptcy Judge